



BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2017-0006; FRL-9963-50]

### Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of filing of petitions and request for comment.

**SUMMARY:** This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before *[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail*: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand Delivery*: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305-7090, email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov); or Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305-7090, email address: [RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov). The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

## **SUPPLEMENTARY INFORMATION:**

### **I. General Information**

#### *A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American

Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them.

Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

*B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

## **II. What Action is the Agency Taking?**

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may

be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

#### **Amended Tolerances For Non-Inerts**

1. PP 6E8503. (EPA–HQ–OPP–2016–0600). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709, requests to amend the tolerance in 40 CFR 180.589 for residues of the fungicide, boscalid, 3-pyridinecarboxamide,2-chloro-N-(4'-chloro[1,1'-biphenyl]-2-yl) in or on Vegetable, legume, edible-podded, subgroup 6A from 1.6 ppm to 5.0 ppm. Gas chromatography using mass spectrometry (GC/MS) is used to measure and evaluate the chemical in dry and succulent beans and peas. Contact: RD.

2. PP 6E8484. (EPA–HQ–OPP–2016–0254). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W., Princeton, NJ

08540, requests that upon establishing tolerances for this petition under “New Tolerances” above, 40 CFR part 180.475 is amended to remove existing tolerances for residues of the fungicide difenoconazole, 1-[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole, including its metabolites and degradates, to be determined by measuring only difenoconazole in or on brassica, head and stem, subgroup 5A at 1.9 ppm, brassica, leafy greens, subgroup 5B at 35 ppm; grape at 4.0 ppm; and turnip, greens at 35 ppm. Contact: RD.

3. PP 6F8517. (EPA-HQ-OPP-2016-0639). Tessenderlo Kerley, Inc., 2255 N. 44th St., Suite 300, Phoenix, AZ 85008, requests to amend the tolerance in 40 CFR 180.415 for residues of the fungicide, aluminum tris (O-ethylphosphonate), in or on Fruit, citrus, group 10 from 5.0 ppm to 9.0 ppm. Adequate enforcement methodology available in the Pesticide Analytical Manual (PAM II, Method II) is used to measure and evaluate the chemical in the above citrus group. Contact: RD.

### **New Tolerance Exemptions**

1. PP 6F8514. (EPA-HQ-OPP-2017-0185). FMC Corporation, FMC Tower at Cira Centre South, 2929 Walnut St., Philadelphia, PA 19104, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide, plant regulator, and nematocide *Bacillus licheniformis* strain FMCH001 in or on all food commodities. The petitioner believes no analytical method is needed because an analytical method for residues is not applicable. It is expected that, when used as

proposed, *Bacillus licheniformis* strain FMCH001 would not result in residues that are of toxicological concern. Contact: BPPD.

2. PP 6F8515. (EPA-HQ-OPP-2017-0186). FMC Corporation, FMC Tower at Cira Centre South, 2929 Walnut St., Philadelphia, PA 19104, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide and plant regulator *Bacillus subtilis* strain FMCH002 in or on all food commodities. The petitioner believes no analytical method is needed because an analytical method for residues is not applicable. It is expected that, when used as proposed, *Bacillus subtilis* strain FMCH002 would not result in residues that are of toxicological concern. Contact: BPPD.

### **New Tolerances For Non-Inerts**

1. PP 6E8484. (EPA-HQ-OPP-2016-0254). IR-4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180.475 for residues of the fungicide difenoconazole, 1-[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole, including its metabolites and degradates, to be determined by measuring only difenoconazole in or on brassica, leafy greens, subgroup 4-16B at 35 ppm; cranberry at 0.6 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13-07F at 4.0 ppm; guava at 3.0 ppm; kohlrabi at 2.0 ppm; papaya at 0.6 ppm; and vegetable, brassica, head and stem, group 5-16 at 2.0 ppm. Available analytical methods

for crops include gas chromatography (GC) equipped with a nitrogen-phosphorous detector; and LC/MS/MS; and for meat, milk, poultry or eggs, Syngenta's method, AG544A, is used to measure and evaluate the chemical difenoconazole. Contact: RD.

2. PP 6F8499. (EPA-HQ-OPP-2016-0752). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide benzovindiflupyr in or on Sugarcane, cane, at 0.3 parts per million (ppm). The GRM042.03A and GRM042.04A for plant products are used to measure and evaluate the chemical benzovindiflupyr. Contact: RD.

3. PP 6F8522. (EPA-HQ-OPP-2016-0754). Nufarm Americas Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27545., requests to establish a tolerance in 40 CFR part 180 for residues of the bactericide/fungicide oxytetracycline in or on citrus, group 10-10, at 0.6 parts per million (ppm) and citrus, dried pulp, at 1.2 ppm. The LC/MS/MS is used to measure and evaluate the chemical oxytetracycline, utilizing turbo ion spray in the positive ionization mode. Contact: RD.

4. PP 6F8542. (EPA-HQ-OPP-2017-0167). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide benzovindiflupyr in or on grasses grown for seed, hay at 7 parts per million (ppm); grasses grown for seed, straw at 6ppm and grasses grown for seed, forage at .15 ppm. The



GRM042.03A and GRM042.04A methods for plant products are used to measure and evaluate the chemical benzovindiflupyr. Contact: RD.

**Authority:** 21 U.S.C. 346a.

Dated: June 19, 2017.

Delores Barber,

*Director, Information Technology and Resources Management Division,  
Office of Pesticide Programs.*

[FR Doc. 2017-15730 Filed: 7/25/2017 8:45 am; Publication Date: 7/26/2017]